



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**DEC 14 2017**

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6127 1699

Ms. Suanne Hattenberg, PE  
Senior Manager Environmental Operations-Northern Tier  
BNSF Railway  
2304 N. 28th Street  
Superior, Wisconsin 54880

Re: BNSF Railway Facility  
3035 Highway 75 North, Sioux City, Iowa

Dear Ms. Hattenberg:

On December 12, 2017, Ms. Rebecca Wenner and I contacted you to discuss upcoming activities related to BNSF's property located at 3035 Highway 75 North, Sioux City, Iowa. As we discussed, the Environmental Protection Agency has reached an agreement with Siouxland PC and Electronics Recycling LLC and Mr. Aaron Rochester. During our call we notified you that Mr. Rochester should be contacting a representative of your organization to discuss site access, posting warning signs, and ensuring that the site is secure. As part of the agreement, Mr. Rochester agreed to properly dispose of three semi-truck loads of leaded glass to a EPA permitted treatment, storage and disposal facility each year. The six illegal storage sites have been prioritized and Mr. Rochester must fully complete cleanup at one site before seeking EPA approval to begin work at the next site. The EPA expects this will be a long-term cleanup based on the quantity of leaded glass.

You can access the filed Consent Agreement and Final Order for this matter at EPA's website:  
[https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Filings/0646491562E70BA9852581E800215424/\\$File/R CRA-07-2017-0226%20Siouxland.pdf](https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Filings/0646491562E70BA9852581E800215424/$File/R CRA-07-2017-0226%20Siouxland.pdf)

Additionally, as we discussed, the EPA is also notifying each property owner where an illegal storage facility is located, that as the owner of that property, the property owner is also liable for the crushed leaded glass and unprocessed cathode ray tubes under the Resource Conservation and Recovery Act. The EPA expressed an interest in discussing cleanup options with you for the location identified above within the next 60 days. We believe it would be appropriate to memorialize the agreed-upon cleanup by BNSF in a Consent Agreement and Final Order, which would provide BNSF a release of civil liability in exchange for the cleanup.

RCRA



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This letter is intended to document our conversation, and provide my contact information. I can be reached at (913) 551-7110 or [catlin.kelley@epa.gov](mailto:catlin.kelley@epa.gov). Please contact me in the next 20 business days so we can schedule a meeting to discuss next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelley Catlin". The signature is written in a cursive, flowing style.

Kelley Catlin  
Assistant Regional Counsel